

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

VANDELLA CAUDILL)	
)	
COMPLAINANT)	
)	CASE NO.
v.)	2004-00354
)	
EAST KENTUCKY WASTE CONTROL)	
)	
DEFENDANT)	

ORDER TO SATISFY OR ANSWER

East Kentucky Waste Control ("East Kentucky") is hereby notified that it has been named as defendant in a formal complaint filed on September 1, 2004, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, East Kentucky is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 10th day of September, 2004

By the Commission

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

VANDELLA CAUDILL
(Your Full Name)
COMPLAINANT

VS.
EAST KY WASTE CONTROL
(Name of Utility)
DEFENDANT

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PUBLIC SERVICE
COMMISSION

2004-00354

COMPLAINT

The complaint of Vandella Caudill respectfully shows:
(Your Full Name)

(a) Vandella Caudill
(Your Full Name)

15 Paradise Valley
(Your Address)

(b) East Ky Waste Control
(Name of Utility)

153 George Branch, East point, Ky 41216
(Address of Utility)

(c) That: This Sewage Plant is a Health
(Describe here, attaching additional sheets if necessary,

Problem- It has not been attended
the specific act, fully and clearly, or facts that are the reason

too far over 3 or 4 months. I have to go
(and basis for the complaint.)

out twice daily and clear the waste
before it backs up in my house. In

Formal Complaint

Vandella Caudill vs. East Ky Waste Control also
Lance Bowling

Page 2 of 2

Just this is hurting my health. Black
water runs in the ditch and then runs
into drinking water.
I have called Lance Bowling but
he will not return my calls. We can
not go outside because of this or rather insects

Wherefore, complainant asks That the ~~owner~~ owner Lance
(Specifically state the relief desired.)

Bowling fixes the problem which is
major. I pay my bill which is \$7.40
but he does nothing. I don't think
anyone would believe it unless they saw it.

Dated at Dags Hill, Kentucky, this 25 day
(Your City)

of August 25, 19004
(Month)

Vandella Caudill
(Your Signature)

(Name and address of attorney, if any)

807 KAR 5:001. Rules of procedure.

Section 12. Formal Complaints.

(1) **Contents of complaint.** Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired (see Section 15(1) of this administrative regulation).

(2) **Signature.** The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) **Number of copies required.** At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) **Procedure on filing of complaint.**

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this administrative regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this administrative regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this administrative regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) **Satisfaction of the complaint.** If the defendant desires to satisfy the complaint, he shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) **Answer to complaint.** If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good

cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground (see Section 15(2) of this administrative regulation).

807 KAR 5:001. Rules of procedure.

Section 15. Forms.

(1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.
- (3) Form of answer to formal complaint.
- (4) Form of application.
- (5) Form of notice to the commission of adjustment of rates

Before the Public Service Commission

(Insert name of complainant))
Complainant)
) No. _____
vs.) (To be inserted by
) the secretary)
(Insert name of each defendant))
Defendant)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

(a) That (here state name, occupation and post office address of each complainant).

(b) That (here insert full name, occupation and post office address of each defendant).

(c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at Wagon Hill, Kentucky, this 28 day
of Aug. 28, 19 004.

Vardella Caudles
(Name of each complainant)

(Name and address of attorney,
if any)

This act by Mr. Bowling has caused both mental and
physical damage - We cannot enjoy being out side and
it has also depreciated the value of my home. It is
the most filth I have ever encountered and I think
he should be made by law to stop the operation.

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I still assist our child and accept our payments.
I am out there twice daily to unstop the sewage
from backing. I am doing this because I can
not afford to have any more of my property
damaged. This has been a great mental strain on

me because when I lay down at night I can't
sleep because of the fear of having all that sewage
in my house. I think it is in the hands of the state
to demand he fix the plant. I can't even visit or
take a vacation and certainly no one wants to come here. I
have worked hard to keep my home as nice as possible because I am a
Widow but I am fighting a losing
battle - I can not sell my home for
what it is worth -

Pandella Caudill

Page (1)

This is to continue my letter. Before I come to my horse looking to borrow my water how and I come my water. I am under the impression that you are looking to know what I am looking to do. After the use of the water, the plant did not work at all that was about 2-3 weeks ago. I received my water this while was \$22.00 hourly it ranges from 6.90 to 10.00. I live alone and I am afraid that this would happen when the cooler runs checks and I have to provide the water, this work the first time this has occurred. I am not sure daily opening the average because I cannot afford to have it back up again. My horse has the skin of the plant. I had to buy the plug and to put in my horse. I am a specialist in my own home just because the law will not interfere. The law is against having to see health. During during this time I have lost the pounds because I cannot eat after doing a trouble shot. I have lost my back, I have lost the law average to get in my skin and it is making me ill. I want to file a civil suit against Jones for being and angry that is ~~the~~ committed with him. I am going to eat for 30.00 per day for the past 3 months plus per and anything. I have to be it for 24-7 and I can't sleep because all I can see is now average. The plant has not been pumped for a lot of time. Before, please do something. My friends were killed in 96. Some thing the state had not removed a dangerous ~~the~~ dog in the lake which they found was there. I have no help here but one thing for Jones pay me Jones for being, is breaking the law and he needs to pay